

COMMISSIONERS APPROVAL

ROKOSCH 

GRANDSTAFF

THOMPSON

CHILCOTT 

DRISCOLL 

PLETTENBERG (Clerk & Recorder)

Date.....November 6, 2007

Members Present.....Commissioner Jim Rokosch,
Commissioner Carlotta Grandstaff, Commissioner Alan Thompson, Commissioner Greg
Chilcott and Commissioner Kathleen Driscoll

Minutes: Beth Perkins

The Board met for a public hearing on the One Horse Estates Major Subdivision and one
variance request continued from October 11th. Present were Planner Tristan Riddell,
Planner Renee Lemon, Consultant Terry Nelson and Developer Dick Martin.

Commissioner Rokosch opened the public hearing and stated there were no conflicts of
interest reported in the last meeting. He stated this subdivision is under the old
regulations and then requested the Planning Staff Report. Tristan presented the Planning
Staff Report as follows:

**ONE HORSE ESTATES
77-LOT MAJOR SUBDIVISION AND ONE VARIANCE REQUEST
*Subject to Ravalli County Subdivision Regulations, as amended August 4,
2005***

STAFF REPORT FOR PLANNING BOARD

CASE PLANNER: Tristan Riddell

**REVIEWED/
APPROVED BY:** Renee Van Hoven

**PUBLIC HEARINGS/
MEETINGS:** RCPB Plat Evaluation:
October 18, 2006

RCPB Public Hearing:
September 5, 2007

Deadline for PB recommendation to BCC: October 3, 2007
BCC Public Meeting: October 11, 2007 (tentative)
Deadline for BCC action (60 working days): October 29, 2007

APPLICANT/OWNER: One Horse Acres, LLC
N.W. 330 Martin Lane
Florence, MT 59833

REPRESENTATIVE: Terry Nelson, Applebury Survey, (406) 961-3267

LOCATION OF REQUEST: The property is located south of Florence off
U.S. Highway 93.
(See Map 1)



Map 1: Location Map
(Source Data: Ravalli County Planning Department)

**LEGAL DESCRIPTION
OF PROPERTY:**

Parcels 1 and 2 of Certificate of Survey 2441 and Lots
2A and 2B AP 479226 located in a portion of the
SW¼ of Section 14, and the SE¼ of Section 15,
T10N, R19W, P.M.M., Ravalli County, Montana.

**APPLICATION
INFORMATION:**

The subdivision application was determined complete on October 11, 2006. Agencies were notified of the subdivision and comments received by the Planning Department not included in the application packet are Exhibits A-1 through A-8 of the staff report. The public hearing was originally scheduled for November 1, 2006. Due to staff's concerns about the disturbance of potential wetlands, the applicant requested that the public hearing be postponed. On November 7, 2006, voters enacted interim zoning that applied to any subdivision that had not received preliminary approval from the Board of County Commissioners. As a result of the *Lords et al. v Ravalli County* settlement agreement, legal counsel has advised, that subdivisions not part of the lawsuit that should have received a decision prior to the enactment of interim zoning, should be processed in accordance with the settlement.

LEGAL NOTIFICATION:

A legal advertisement was originally published in the Ravalli Republic on Tuesday, October 17, 2006. The legal was re-advertised on August 21, 2007. Notice of the project was posted on the property and adjacent property owners were re-notified by mail postmarked August 21, 2007.

**DEVELOPMENT
PATTERN:**

Subject property	Agriculture
North	Residential
South	Residential
East	Residential
West	Agriculture

**APPLICABLE
REGULATIONS:**

The proposal is being reviewed under the Ravalli County Subdivision Regulations (RCSR), as amended August 4, 2005.

INTRODUCTION

One Horse Estates is a 77-lot major subdivision proposed on 62.69 acres. The property is located approximately one mile south of Florence on U.S. Highway 93. It is located in the Florence-Carlton School District and the Florence Rural Fire District. The proposal is for 75 single-family residential lots, and two lots (Lots 69 and 70) that could be residential or commercial. All lots will have individual wells. Lots within Phase I will have individual wastewater treatment

systems. The remaining lots will be served by a community wastewater treatment system.

In conjunction with the subdivision proposal, the applicant is requesting one variance:

1. For relief from Section 3-2-21 of the Ravalli County Subdivision Regulations, to allow the project to be developed in 5 phases over 10 years.

Staff recommends conditional approval of the Variance and the subdivision proposal.

RAVALLI COUNTY PLANNING BOARD

SEPTEMBER 5, 2007

ONE HORSE ESTATES

77-LOT MAJOR SUBDIVISION AND ONE VARIANCE REQUEST

RECOMMENDED MOTIONS

1. That the variance request from Section 3-2-21 of the Ravalli County Subdivision Regulations to allow the developer to complete the project in 5 phases over 10 years with a phasing plan instead of two phases to be completed within four years, be **approved**, based on the findings of fact and conclusions of law in the staff report and subject to the conditions in the staff report.
2. That the One Horse Estates Major Subdivision be **approved**, based on the findings of fact and conclusions of law in the staff report and subject to the conditions in the staff report. *(Staff Note: The Planning Board needs to include their recommendation on parkland dedication in the motion.)*

RECOMMENDED MITIGATING CONDITIONS OF APPROVAL FOR PHASE I

1. A document entitled "Notifications to Future Property Owners" that includes the following notifications and the attachments listed below shall be included in the submittal of the final plat to the Planning Department and filed with the final plat:

Notification of Proximity to Agricultural Operations. This subdivision is located near existing agricultural activities. Some may find activities associated with normal agricultural activities objectionable and dangerous. *(Effects on Agriculture)*

Notification of Road Maintenance Agreement. Ravalli County, the State of Montana, or any other governmental entity does not maintain the internal subdivision roads and therefore does not assume any liability for improper maintenance or the lack thereof. A Road Maintenance Agreement for these roads was filed with this subdivision and outlines what parties are responsible for maintenance and under what conditions. *(Effects on Local Services)*

Notification of Irrigation Facilities and Easements. Within this subdivision there are irrigation easements, as shown on the final plat. All downstream water-right holders have the right to maintain and repair their irrigation facilities whenever necessary to keep them in good condition. The filed subdivision plat shows the irrigation easements on the property. Any act that damages or destroys a ditch, interferes with its operation or maintenance in any way, or restricts access to the ditch so as to interfere with its maintenance is expressly prohibited. The downstream water right holders have the right to use the easements to maintain the ditches. *(Effects on Agricultural Water User Facilities)*

Notification of Proximity to One Horse Creek. This subdivision is located in close proximity to One Horse Creek. There is an inherent hazard associated with creeks, due to potential soil erosion, flooding and movement of the creek channel. *(Effects on Natural Environment)*

Notification of Severe Soils. Within this subdivision there are areas of the property identified as potentially having soils rated as severe for roads and building sites. The approximate locations of these areas can be found on a reduced copy of the final plat and descriptions of the severe soils are included as exhibits to this document. (The applicant shall include the exhibits as attachments) *(Effects on Public Health and Safety)*

Limitation of Access onto State Roads. A non-ingress/egress zone exists along U.S. Highway 93 which restricts vehicular access onto this State-maintained road, excepting the approved locations for the internal subdivision roads. All lots within this subdivision must use the approved access points. This limitation of access may be lifted or amended with approval of the Montana Department of Transportation. *(Effects on Local Services and Public Health and Safety))*

2. Protective covenants for the entire One Horse Estates Subdivision shall be submitted with the final plat for the first phase that include the following provisions:

Living with Wildlife. Homeowners must accept the responsibility of living with wildlife, must accept responsibility for protecting their vegetation from damage, and must confine their pets and properly store garbage, pet food, and other potential attractants. Homeowners must be aware of potential problems associated with the occasional presence of wildlife such as deer, elk, black bear, mountain lion, coyote, fox, skunk, raccoon and magpie. Please contact the Montana Fish, Wildlife & Parks (FWP) office in Missoula (3201 Spurgin Road, Missoula, MT 59804) for brochures that can help homeowners "live with wildlife." Alternatively see the Education portion of FWP's web site at www.fwp.mt.gov.

The following covenants are designed to help minimize problems that homeowners could have with wildlife, as well as helping homeowners protect

themselves, their property and the wildlife that Montanans value. (*Effects on Wildlife and Wildlife Habitat*)

- a) Homeowners must be aware of the potential for **vegetation damage by wildlife, particularly from deer** feeding on green lawns, gardens, flowers, ornamental shrubs and trees in this subdivision. Homeowners should be prepared to take the responsibility to plant non-palatable vegetation or protect their vegetation (fencing, netting, repellents) in order to avoid problems. Also, consider landscaping with native vegetation that is less likely to suffer extensive feeding damage by deer.
- b) **Gardens and fruit trees** can attract wildlife such as deer and bears. Keep produce and fruit picked and off the ground, because rotting vegetable material can attract bears and skunks. To help keep wildlife such as deer out of gardens, fences should be 8 feet or taller. Netting over gardens can help deter birds from eating berries.
- c) **Garbage** should be stored in secure bear-resistant containers or indoors to avoid attracting animals such as bears, raccoons, dogs, etc. It is best not to set garbage cans out until the morning of garbage pickup.
- d) **Do not feed wildlife** or offer supplements (such as salt blocks), attractants, or bait for deer or other wildlife. Feeding wildlife results in unnatural concentrations of animals that could lead to overuse of vegetation and disease transmission. Such actions unnecessarily accustom wild animals to human, which can be dangerous for both. It is against state law (MCA 87-3-130) to provide supplemental feed attractants if it results in a "concentration of game animals that may potentially contribute to the transmission of disease or that constitutes a threat to public safety." Also, homeowners must be aware that deer might occasionally attract mountain lions to the area.
- e) **Bird feeders** attract bears. If used, bird feeders should: i) be suspended a minimum of 20 feet above ground level, ii) be at least 4 feet from any support poles or points, and iii) should be designed with a catch plate located below the feeder and fixed such that it collects the seed knocked off the feeder by feeding birds.
- f) **Pets** must be confined to the house, in a fenced yard, or in an outdoor kennel area when not under the immediate control of their owner(s), and not be allowed to roam as they can chase and kill big game and small birds and mammals. Under current state law it is illegal for dogs to chase hoofed game animals and the owner may also be held guilty (MCA 87-3-124).
- g) **Pet food** must be stored indoors, in closed sheds or in animal-resistant containers in order to avoid attracting wildlife such as bears, mountain lions, skunks, raccoons, etc. **When feeding pets** do not leave food out overnight. Consider feeding pets indoors so that wild animals do not learn to associate food with your home.
- h) **Barbecue grills** should be stored indoors. Permanent, outdoor barbecue grills are discouraged in this subdivision. Keep all portions of the

barbecues clean. Food spills and smells on the grill, lid, etc. can attract bears and other wildlife.

- i) Consider **boundary fencing** that is no higher than 3-1/2 feet (at the top rail or wire) and no lower than 18 inches (at the bottom rail or wire) in order to facilitate wildlife movement and help avoid animals such as deer and/or elk becoming entangled in the fence or injuring themselves when trying to jump the fence.
- j) **Compost piles** can attract skunks and bears and should be avoided in this subdivision. If used they should be kept indoors or built to be wildlife-resistant. Compost piles should be limited to grass, leaves, and garden clippings, and piles should be turned regularly. Adding lime can reduce smells and help decomposition. Do not add food scraps. (Kitchen scraps could be composted indoors in a worm box with minimum odor and the finished compost can later be added to garden soil.)

Riparian Covenants. Healthy, naturally functioning riparian areas benefit fish and wildlife, as well as agriculture and recreation. The goal of the no-build/alteration zones along the riparian area associated with Woodchuck Creek and the two natural drainages traversing the subdivision is to help preserve the water quality and functionality of these drainage areas, protect and enhance potential riparian areas, and protect property from eroding banks and possible flooding. (*Effects on Natural Environment and Wildlife and Wildlife Habitat*)

A 100-foot no-build/alteration zone is centered on both of the natural drainages traversing the property and a no-build/alteration zone encompasses the riparian area associated with Woodchuck Creek. The following covenants apply to the no-build/alteration zones:

- a. No new building or alteration is allowed in the zone.
- b. Only non-motorized access is allowed (except for certain maintenance needs such as weed spraying).
- c. Do not cut or remove live or dead vegetation, particularly shrubs and trees from the no-build/alteration zone. Exception: proper use of chemicals or other methods of control (other than mowing) for noxious weeds is allowed, and planting appropriate native riparian vegetation (trees, shrubs) is allowed.
- d. Do not plant lawns or crops in the buffer zone. Leave or plant native vegetation as ground cover as this avoids the use of fertilizers that contribute to water quality problems.
- e. If planting is planned for this area, the goal should be to re-establish native plant species appropriate to the site.
- f. In summary, allow the natural drainage areas to remain undisturbed. Do not modify them unless such change would help return the area to a natural state.
- g. These riparian covenants cannot be altered or eliminated without consent of the governing body (Ravalli County Commissioners).

Required Posting of County-Issued Addresses for Lots within this Subdivision. The Florence Rural Fire District has adopted the Uniform Fire Code which requires the lot owners to post the County-issued addresses at the intersection of the driveways leading to all residences as soon as construction on the residences begins. *(Effects on Local Services & Effects on Public Health and Safety)*

Access Requirements for Lots within this Subdivision. The Florence Rural Fire District has adopted the Uniform Fire Code. All accesses, including driveways to residences over 150' in length, must have a minimum unobstructed travel surface width of 20', a vertical clearance of 13'6", and an all weather surface that can accommodate the weight of a fire truck to meet requirements of the Uniform Fire Code. Please contact the Florence Rural Fire District at PO Box 721, Florence, MT, for further information on the requirements of the Florence Rural Fire District and/or the Uniform Fire Code. *(Effects on Local Services and Public Health and Safety)*

No-Build/Alteration Zone. Within this subdivision there are no-build/alteration zones located on Lot 69 and encompassing the natural drainage/ditch feature traversing the northern end of the property, as shown on the plat, to restrict building in areas within riparian vegetation and potential wetlands. No new structure, with the exception of fences, may be constructed in this area. No new utilities, with the exception of wells, may be constructed in this area. Maintenance of irrigation facilities is allowed. *(Effects on Natural Environment)*

Lighting for New Construction. To promote public health and safety, reduce energy consumption, and reduce impacts to nocturnal wildlife, full cut-off lighting is recommended for any new construction within this subdivision. A full cut-off fixture means a fixture, as installed, that is designed or shielded in such a manner that all light rays emitted by the fixture, either directly from the lamps or indirectly from the fixture, are projected below a horizontal plane through the lowest point on the fixture where light is emitted. The source of light should be fully shielded on the top and sides, so as not to emit light upwards or sideways, but only allowing light to shine down towards the subject that is to be lighted. For more information, visit www.darksky.org. *(Effects on Natural Environment and Public Health & Safety)*

Radon Exposure. The owner understands and accepts the potential health risk from radon concentrations, which are presently undetermined at this location. Unacceptable levels of radon can be reduced through building design and abatement techniques incorporated into structures. Property owners are encouraged to have their homes tested for radon. Contact the Ravalli County Environmental Health Department for further information. *(Effects on Public Health & Safety)*

Primary Heat Source. The primary heat source for the newly constructed residences in this subdivision shall be at least 75% efficient. *(Effects on Natural Environment)*

Control of Noxious Weeds. A weed control plan has been filed in conjunction with this subdivision. Lot owners shall control the growth of noxious weeds on their respective lot(s). Contact the Ravalli County Weed District for further information. *(Effects on Natural Environment)*

Amendment. The covenants filed with the final plat shall state that written Governing Body approval shall be required for amendments to provisions of the covenants that were required to be included as a condition of subdivision approval. *(Effects on all six criteria)*

3. The subdividers shall include an RSID/SID waiver in a notarized document filed with the subdivision plat of each phase that states the following: Acceptance of a deed for a lot within this subdivision shall constitute the assent of the owners and any successors in interest to any future RSID/SID, based on benefit, for a community wastewater system, community water system, or upgrading roads leading to or within the subdivision, including but not limited to paving, curbs and gutters, non-motorized transportation facilities, street widening, and drainage facilities. *(Effects on Local Services)*
4. The subdividers shall submit an approved approach permit, issued by the Montana Department of Transportation, for the Cowboy Court access prior to final plat. *(Effects on Local Services and Public Health & Safety)*
5. Easements for Cowboy Court shall be labeled as public road and utility easements on the final plat. *(Effects on Local Services)*
6. A stop sign and road name sign, at the intersection of Cowboy Court and U.S. Highway 93, shall be installed and approved by the Ravalli County Road and Bridge Department prior to final plat. *(Effects on Local Services and Public Health and Safety)*
7. The subdividers shall submit a letter or receipt from the Florence-Carlton School District stating that they have received an amount per lot (to be recommended by the Planning Board and approved by the Board of County Commissioners in consultation with the subdivider and the School District) prior to final plat. *(Effects on Local Services)*
8. The subdividers shall submit an (amount)-per-lot contribution to the Ravalli County Treasurer's Office to be deposited into account for the Sheriff's Office prior to final plat approval. *(Effects on Local Services)*
9. The subdividers shall meet the water supply requirements for the Florence Rural Fire District, which is a 1,000-gallon per minute water supply or a 2,500 gallon per lot water storage for each phase prior to the final plat approval of each phase. Alternatively, the applicants shall contribute \$500 per lot for each phase, as

approved by the Fire District, and provide a letter or receipt from the Florence Rural Fire District that the contribution has been made prior to the final plat approval. *(Effects on Local Services and Public Health and Safety)*

10. The subdividers shall provide evidence with the final plat submittal that they have applied for County-issued addresses for each lot prior to final plat. *(Effects on Local Services and Public Health and Safety)*
11. The applicants shall provide evidence that plans for a Collection Box Unit (CBU), including location of the box and specifications, have been approved by the local post office prior to final plat approval. *(Effects on Local Services)*
12. A Road Maintenance Agreement shall be filed for Cowboy Court and shall only pertain to Lots 69 through 77 of Phase I. The Road Maintenance Agreement shall meet the requirements as outlined in Section 3-2-18 of the Ravalli County Subdivision Regulations. *(Effects on Local Services)*
13. The no-build/alteration zones located on Lot 69, the southern portions of Lots 71, 72, and 73, and the park, shall be shown on the face of the final plat, as shown on the preliminary plat. *(Effects on the Natural Environment)*
14. The Homeowners' Association documents shall include language stating that the association is responsible for the maintenance of the park, the two pathways to the park, and the community wastewater treatment facilities located within the park. *(Effects on Local Services)*
15. A no ingress/egress zone shall be placed along the U.S. Highway 93 frontage of the subdivision, excepting the approaches as approved by the Montana Department of Transportation, on the final plat. *(Effects on Local Services and Public Health and Safety)*
16. A 20-foot wide irrigation easement shall be shown on the final plat on the natural drainage/ditch feature traversing the northern portion of the park. *(Effects on Agricultural Water User Facilities)*
17. The proposed phasing plan shall be accepted and any changes to the order and dates of filing shall be submitted as a revised phasing plan(s) to the Board of County Commissioners for review and approval prior to the final plat approval of each phase. *(Variance #1)*
18. Easements for drainage and infrastructure necessary for each phase shall be provided for on the final plat of each phase. Infrastructure necessary for each phase shall be completed prior to filing each phase even if it is not scheduled to be finished until a future phase. The applicant shall also construct temporary turnarounds with a turning radius of 50 feet and a compacted all weather travel surface that can accommodate emergency services vehicles for the internal roads prior to the final plat approval for each phase, unless a permanent cul-de-sac or through-road is constructed. *(Effects on Public Health and Safety and Variance #1)*

RECOMMENDED MITIGATING CONDITIONS OF APPROVAL FOR PHASE II

19. The final plat application packet shall include the plans, drawings and specifications, as prepared and certified by a professional engineer, for the community wastewater treatment system. *(Effects on Local Services, Natural Environment and Public Health and Safety)*
20. The subdividers shall submit an approved approach permit, issued by the Montana Department of Transportation, for the Horseback Trail access prior to final plat. *(Effects on Local Services)*
21. Easements for all internal roads located within Phase II shall be labeled as public road and utility easements on the final plat. *(Effects on Local Services)*
22. A no ingress/egress zone shall be placed along the U.S. Highway 93 frontage of the subdivision, excepting the approaches as approved by the Montana Department of Transportation, on the final plat. *(Effects on Local Services and Public Health and Safety)*
23. Stop signs and road name signs, at the intersections of Horseback Trail and U.S. Highway 93, Horseback Trail and Palomino Drive, Horseback Trail and Buckaroo Boulevard, and at the four-way intersection of Horseback Trail and Lariat Loop North and South shall be installed and approved by the Ravalli County Road and Bridge Department prior to final plat. *(Effects on Local Services and Public Health and Safety)*
24. A 20-foot wide irrigation easement shall be shown on the final plat on the natural drainage/ditch feature traversing the northern portion of Lot 25. *(Effects on Agricultural Water User Facilities)*
25. The applicants shall provide evidence that plans for a Collection Box Unit (CBU), including location of the box and specifications, have been approved by the local post office prior to final plat approval. This CBU shall be utilized by Phases II through V. *(Effects on Local Services)*
26. The subdividers shall submit a letter or receipt from the Florence-Carlton School District stating that they have received an amount per lot (to be recommended by the Planning Board and approved by the Board of County Commissioners in consultation with the subdivider and the School District) prior to final plat. *(Effects on Local Services)*
27. The subdividers shall submit an (amount)-per-lot contribution to the Ravalli County Treasurer's Office to be deposited into account for the Sheriff's Office prior to final plat approval. *(Effects on Local Services)*
28. The subdividers shall meet the water supply requirements for the Florence Rural Fire District, which is a 1,000-gallon per minute water supply or a 2,500 gallon per lot water storage for each phase prior to the final plat approval of each phase. Alternatively, the applicants shall contribute \$500 per lot for each phase, as approved by the Fire District, and provide a letter or receipt from the Florence Rural

Fire District that the contribution has been made prior to the final plat approval. *(Effects on Local Services and Public Health and Safety)*

29. The subdividers shall provide evidence with the final plat submittal that they have applied for County-issued addresses for each lot prior to final plat. *(Effects on Local Services and Public Health and Safety)*
30. A RMA for the remaining roads within the subdivision (Buckaroo Boulevard, Horseback Trail, Horseshoe Road, Bronco Court, Lariat Loop South, Lariat Loop North, and Palomino Drive) shall be filed with the final plat of Phase II. *(Effects on Local Services)*
31. The no-build/alteration zone, excepting wells, located along the northern portion of Lot 25, shall be shown on the face of the final plat, as shown on the preliminary plat. *(Effects on the Natural Environment)*
32. Easements for drainage and infrastructure necessary for each phase shall be provided for on the final plat of each phase. Infrastructure necessary for each phase shall be completed prior to filing each phase even if it is not scheduled to be finished until a future phase. The applicant shall also construct temporary turnarounds with a turning radius of 50 feet and a compacted all weather travel surface that can accommodate emergency services vehicles for the internal roads prior to the final plat approval for each phase, unless a permanent cul-de-sac or through-road is constructed. *(Effects on Public Health and Safety and Variance #1)*

RECOMMENDED MITIGATING CONDITIONS OF APPROVAL FOR PHASE III

33. The subdividers shall submit a letter or receipt from the Florence-Carlton School District stating that they have received an amount per lot (to be recommended by the Planning Board and approved by the Board of County Commissioners in consultation with the subdivider and the School District) prior to final plat. *(Effects on Local Services)*
34. The subdividers shall submit an (amount)-per-lot contribution to the Ravalli County Treasurer's Office to be deposited into account for the Sheriff's Office prior to final plat approval. *(Effects on Local Services)*
35. The subdividers shall meet the water supply requirements for the Florence Rural Fire District, which is a 1,000-gallon per minute water supply or a 2,500 gallon per lot water storage for each phase prior to the final plat approval of each phase. Alternatively, the applicants shall contribute \$500 per lot for each phase, as approved by the Fire District, and provide a letter or receipt from the Florence Rural Fire District that the contribution has been made prior to the final plat approval. *(Effects on Local Services and Public Health and Safety)*
36. The subdividers shall provide evidence with the final plat submittal that they have applied for County-issued addresses for each lot prior to final plat. *(Effects on Local Services and Public Health and Safety)*
37. Easements for Horseback Trail shall be labeled as public road and utility easements on the final plat. *(Effects on Local Services)*

38. The no-build/alteration zone, excepting wells, located along the northern portions of Lots 14 and 15 shall be shown on the face of the final plat, as shown on the preliminary plat. *(Effects on the Natural Environment)*
39. A 20-foot wide irrigation easement shall be shown on the final plat on the natural drainage/ditch feature traversing the northern portions of Lots 14 and 15. *(Effects on Agricultural Water User Facilities)*
40. Easements for drainage and infrastructure necessary for each phase shall be provided for on the final plat of each phase. Infrastructure necessary for each phase shall be completed prior to filing each phase even if it is not scheduled to be finished until a future phase. The applicant shall also construct temporary turnarounds with a turning radius of 50 feet and a compacted all weather travel surface that can accommodate emergency services vehicles for the internal roads prior to the final plat approval for each phase, unless a permanent cul-de-sac or through-road is constructed. *(Effects on Public Health and Safety and Variance #1)*

RECOMMENDED MITIGATING CONDITIONS OF APPROVAL FOR PHASE IV

41. The subdividers shall submit an approved approach permit, issued by the Montana Department of Transportation, for the Buckaroo Boulevard access prior to final plat. *(Effects on Local Services)*
42. Easements for all internal roads located within Phase IV shall be labeled as public road and utility easements on the final plat. *(Effects on Local Services)*
43. Stop signs and road name signs, at the intersections of Buckaroo Boulevard and Horseshoe Road and Buckaroo Boulevard and Bronco Court shall be installed and approved by the Ravalli County Road and Bridge Department prior to final plat. *(Effects on Local Services and Public Health and Safety)*
44. A no ingress/egress zone shall be placed along the U.S. Highway 93 frontage of the subdivision, excepting the approaches as approved by the Montana Department of Transportation, on the final plat. *(Effects on Local Services and Public Health and Safety)*
45. The subdividers shall submit a letter or receipt from the Florence-Carlton School District stating that they have received an amount per lot (to be recommended by the Planning Board and approved by the Board of County Commissioners in consultation with the subdivider and the School District) prior to final plat. *(Effects on Local Services)*
46. The subdividers shall submit an (amount)-per-lot contribution to the Ravalli County Treasurer's Office to be deposited into account for the Sheriff's Office prior to final plat approval. *(Effects on Local Services)*
47. The subdividers shall meet the water supply requirements for the Florence Rural Fire District, which is a 1,000-gallon per minute water supply or a 2,500 gallon per lot water storage for each phase prior to the final plat approval of each phase. Alternatively, the applicants shall contribute \$500 per lot for each phase, as

approved by the Fire District, and provide a letter or receipt from the Florence Rural Fire District that the contribution has been made prior to the final plat approval. *(Effects on Local Services and Public Health and Safety)*

48. The subdividers shall provide evidence with the final plat submittal that they have applied for County-issued addresses for each lot prior to final plat. *(Effects on Local Services and Public Health and Safety)*
49. Easements for drainage and infrastructure necessary for each phase shall be provided for on the final plat of each phase. Infrastructure necessary for each phase shall be completed prior to filing each phase even if it is not scheduled to be finished until a future phase. The applicant shall also construct temporary turnarounds with a turning radius of 50 feet and a compacted all weather travel surface that can accommodate emergency services vehicles for the internal roads prior to the final plat approval for each phase, unless a permanent cul-de-sac or through-road is constructed. *(Effects on Public Health and Safety and Variance #1)*

RECOMMENDED MITIGATING CONDITIONS OF APPROVAL FOR PHASE V

50. The subdividers shall submit a letter or receipt from the Florence-Carlton School District stating that they have received an amount per lot (to be recommended by the Planning Board and approved by the Board of County Commissioners in consultation with the subdivider and the School District) prior to final plat. *(Effects on Local Services)*
51. The subdividers shall submit an (amount)-per-lot contribution to the Ravalli County Treasurer's Office to be deposited into account for the Sheriff's Office prior to final plat approval. *(Effects on Local Services)*
52. The subdividers shall meet the water supply requirements for the Florence Rural Fire District, which is a 1,000-gallon per minute water supply or a 2,500 gallon per lot water storage for each phase prior to the final plat approval of each phase. Alternatively, the applicants shall contribute \$500 per lot for each phase, as approved by the Fire District, and provide a letter or receipt from the Florence Rural Fire District that the contribution has been made prior to the final plat approval. *(Effects on Local Services and Public Health and Safety)*
53. The subdividers shall provide evidence with the final plat submittal that they have applied for County-issued addresses for each lot prior to final plat. *(Effects on Local Services and Public Health and Safety)*
54. Easements for Lariat Loop South shall be labeled as public road and utility easements on the final plat. *(Effects on Local Services)*
55. Easements for drainage and infrastructure necessary for each phase shall be provided for on the final plat of each phase. Infrastructure necessary for each phase shall be completed prior to filing each phase even if it is not scheduled to be finished until a future phase. The applicant shall also construct temporary turnarounds with a turning radius of 50 feet and a compacted all weather travel surface that can accommodate emergency services vehicles for the internal roads prior to the final

plat approval for each phase, unless a permanent cul-de-sac or through-road is constructed. (*Effects on Public Health and Safety and Variance #1*)

SUBDIVISION REPORT

COMPLIANCE WITH PRIMARY SUBDIVISION REVIEW CRITERIA

CRITERION 1: EFFECTS ON AGRICULTURE

Findings of Fact:

1. The proposed major subdivision on 60.69 acres will result in 77 lots that range in size from 20,200 square feet to 7.13 acres. The property is located approximately 1 mile south of the community of Florence off U.S. Highway 93.
2. According to the application, the property has been used for agriculture in the past.
3. According to Appendix K of the Ravalli County Subdivision Regulations, there are no Prime Farmland Soils or Farmland of Statewide Importance associated with this property.
4. The property is located in an area where there is a mix of agricultural and residential uses. To mitigate impacts on nearby agricultural practices, a notification of agricultural operations shall be filed with the final plat for Phase I. (Condition 1)

Conclusions of Law:

1. With the recommended mitigating condition, impacts of this subdivision on surrounding agricultural practices will be minimized.
2. The creation of these lots will not take Prime Farmland or Farmland of Statewide Importance out of production.
3. The property is located in close proximity to the community of Florence in a transitional area between higher density town lots and agricultural land. This transitional area has a mixture of uses including large lot residential, commercial, and agricultural. Loss of agricultural land in this location may help to protect agricultural land further out from existing towns by providing development similar to the surrounding density.

CRITERION 2: EFFECTS ON AGRICULTURAL WATER USER FACILITIES

Findings of Fact:

1. There are no water rights associated with this property.
2. According to the USGS Topographic Map and 2004 Aerial Photographs, there is a natural drainage feature that flows from the west of the property and across the northern portion of the property.
3. The portion of the natural drainage traversing the property currently functions as a ditch. In a letter dated September 29, 2006 (Exhibit A-6), the Bitterroot Conservation Supervisor states that he considers the drainage feature a ditch.
4. The applicant has water rights associated with another property downstream of the proposed subdivision. According to the applicant there are no other downstream users. To mitigate impacts on agricultural water user facilities, the final plat shall

show a 20-foot wide irrigation easement centered on the ditch. (Conditions 16, 24, and 39)

5. Section 5-8-1(f) states that natural drainage ways shall be preserved. While the natural drainage also functions as a ditch, there is wetland and riparian vegetation associated with the feature. The applicant is proposing a no-build/alteration zone along the feature (See Natural Environment). To mitigate impacts on agricultural water user facilities, the no-build/alteration zone shall not preclude maintenance of irrigation facilities. (Condition 2)

Conclusion of Law:

With the conditions of final plat approval, there will be no negative impacts associated with agricultural water user facilities.

CRITERION 3: EFFECTS ON LOCAL SERVICES

Findings of Fact:

1. U.S. Highway 93 is a State maintained road that meets County Standards.
2. The internal road system is proposed to meet County Standards. An engineer's certification that the roads meet County Standards is a requirement of the final plat approval of each phase. The Road and Bridge Department has approved the preliminary road plans. (Exhibit A-1)
3. To mitigate impacts on local services and ensure public access, the easements for the internal roads shall be labeled as public road and utility easements on the final plat of each phase. (Conditions 5, 21, 37, 42, and 54)
4. A preliminary Road Maintenance Agreement for all the internal roads has been included in the application packet. Since Cowboy Court will only serve the lots in Phase I, a separate RMA for Cowboy Court and the lots in Phase 1 shall be filed with the final plat for Phase 1 (Condition 12). A RMA for the remaining roads within the subdivision (Buckaroo Boulevard, Horseback Trail, Horseshoe Road, Bronco Court, Lariat Loop South, Lariat Loop North, and Palomino Drive) shall be filed with the final plat of Phase II (Condition 30). To mitigate impacts on local services and public health and safety, a notification of the road maintenance agreements shall be included in the Notifications Document filed with the final plat. (Condition 1)
5. Final road plans and grading and drainage plans approved by the Road and Bridge Department, road certifications certified by a professional engineer for the internal roads, and a copy of the General Discharge Permit for Stormwater associated with construction activity from MDEQ (if applicable) will be required prior to final plat approval. All infrastructure improvements are required to be completed prior to the final plat approval for each phase.
6. As a requirement of final plat approval, the applicant shall submit road name petitions approved by the County GIS department for the internal subdivision roads prior to final plat approval. A stop sign and road name sign shall be installed at the intersection of all internal roads prior to final plat approval for each phase. (Conditions 6, 23 and 43)
7. The subdivider shall place a "no ingress/egress" restriction along the U.S. Highway 93 frontage of the subdivision, excepting the MDT approved approaches. The "no ingress/egress" zone shall be labeled on the final plat of Phases I, II, and IV. A notification of the limitation of access onto a state road shall also be included in the Notifications Document. (Conditions 1, 15, 22, and 44)
8. The subdivision currently has a right-of-way agreement with the Montana Department of Transportation (MDT) allowing three accesses onto U.S.

Highway 93 (Application). In a letter dated October 20, 2006 (Exhibit A-2) MDT states that new approach permits will be issued for the proposed use of the subdivision. The subdivider shall provide approved approach permits from MDT as a requirement of final plat approval of each pertinent phase. (Conditions 4, 20, and 21)

9. The subdivision is required to provide 3.85 acres of parkland. The proposed parkland dedication is 7.64 acres. The park will be maintained by the One Horse Estates Homeowners' Association. The Homeowners' Association documents shall include language stating that the association is responsible for the maintenance of the park, the two pathways to the park, and the community wastewater treatment facilities located within the park. (Condition 14)
10. To mitigate potential impacts of this subdivision on any possible future public water, sewer system, or improvements to the road system, an RSID/SID waiver filed with the final plat shall address these services/facilities. (Condition 3)
11. Individual wells and wastewater treatment systems are proposed for lots within Phase 1 and Lots 14 and 15 of Phase 3 of this subdivision. The remaining lots will utilize individual wells and a community septic system located within the park.
12. The applicant submitted plans drawings, and specifications for the community wastewater system. (Effects on Natural Environment)
13. Bitterroot Disposal provides service to this site.
14. The Florence-Carlton School District was notified of the subdivision proposal. In a letter dated October 23, 2006 (Exhibit A-3), the school district requested a contribution of \$10,418 per lot. The developer is proposing to contribute a voluntary donation to the school district in the amount of \$250 per lot. To mitigate impacts on local services, the developer shall provide evidence that a per lot contribution has been made to the School District for each phase prior to the final plat approval of each phase. (Conditions 7, 26, 33, 45 and 50)
15. The subdivision is located within the Florence Rural Fire District. The Florence Rural Fire District has provided comments on previous subdivision proposals indicating they have adopted a policy which addresses access, posting of addresses, and water supply requirements (Exhibit A-3). Conditions of approval will meet the recommendations of the Florence Rural Fire District. (Conditions 8, 22, 27, 35 and 39)
16. To mitigate the impacts of this subdivision on local services and public health and safety, the subdivider shall apply for County-issued addresses for each lot within this subdivision. A provision shall be included in the protective covenants requiring property owners to post County-issued addresses at their driveways to enhance provision of emergency services. (Conditions 2, 9, 28, 35, 47 and 52)
17. The Ravalli County Sheriff's Office provides law enforcement services to this area. No comments have been received by the Sheriff's Office. The current level of service is not known, but it is generally understood that the Sheriff's Office is operating at an inadequate level of service. The applicant is not proposing any mitigation. (Conditions 8, 27, 34, 46, and 51) *(Staff Note: Since the current or planned level of service for the Sheriff's Office is unknown and the applicant has not proposed any mitigation, Staff recommends the BCC negotiate an amount per lot with the applicants and include the appropriate finding(s) supporting the amount in their decision.)*

18. Ambulance services will be provided by Marcus Daly Memorial Hospital EMS Department and/or Missoula Emergency Services. Both agencies were notified of the proposal, but no comments have been received by either entity.
19. The United States Postal Service (USPS) sent a letter to the Planning Department on June 8, 2007 and an email on June 29, 2007 requesting that Collection Box Units (CBUs) be required for all subdivisions with eight or more lots (or if the local post office requests a CBU) and that the locations of the boxes be approved by the USPS (Exhibit A-8). (Conditions 11 and 25)

Conclusion of Law:

With the mitigating conditions of approval and requirements of final plat approval, impacts of the subdivision on local services will be minimized.

CRITERION 4: EFFECTS ON THE NATURAL ENVIRONMENT

Findings of Fact:

1. The property is located approximately 150 feet south of One Horse Creek, which drains an area less than 15 square miles and does not require a floodplain analysis. One Horse Creek Road separates One Horse Creek from the property. A notification regarding the proximity of One Horse Creek shall be included in the Notifications Document. (Condition 1)
2. According to the USGS Topographic Map and 2004 Aerial Photographs, there is a natural drainage feature that flows from the west of the property and across the northern portion of the property.
3. Section 5-8-1(f) states that natural drainage ways shall be preserved.
4. The preliminary plat states that Lot 77 has potential wetlands on the property. This riparian area shall be identified as a no build/alteration zone on the final plat, as shown on the preliminary plat. In order to mitigate impacts on the natural environment, definition of the no-build/alteration zone shall be included in the covenants and the no-build/alteration zone placed on the final plat. (Conditions 2 and 13)
5. Individual wells and wastewater treatment systems are proposed to serve all lots in Phase 1. The remaining lots will have individual wells and be connected to a community wastewater treatment system. Adequate information has been provided to the Environmental Health Department for local subdivision review to occur (Exhibit A-4). DEQ will review the public wastewater treatment system and individual systems and a Certificate of Subdivision Plat Approval from DEQ for each phase is a requirement of final plat approval for each phase. Each phase will be required to meet the most current standards for DEQ approval.
6. The community sewer system is required to be installed prior to final plat approval of Phase II as part of the infrastructure requirements for this subdivision. The final plat application packet shall include final plans and certification by a professional engineer, for the community wastewater treatment system, as required by the Subdivision Regulations. (Condition 19)
7. The Department of Natural Resources and Conservation (DNRC) submitted comments recommending that the developer consider installing a community water system (Exhibit A-5).
8. To mitigate air pollution resulting from home heating emissions, the protective covenants filed with the final plat shall state that the primary heat source for any newly constructed residences must be at least 75% efficient. (Condition 2)

9. A noxious weed and vegetation control plan is required to be filed with the final plat of each phase for ground disturbance associated with a subdivision. According to MCA 7-22-2152, any person proposing a development that needs state or local approval and that results in the potential for noxious weed infestation within a weed district, shall notify the weed board at least 15 days prior to activity. Consequently, 15 days prior to activities requiring a revegetation plan, *such as* road construction, the plan shall be submitted to the weed board for approval from the board. To mitigate impacts on the natural environment, a noxious weed control provision shall be included in the protective covenants filed with the final plat for this subdivision. (Condition 2)

Conclusion of Law:

With the mitigating conditions and the requirements of final plat approval, impacts from this subdivision on the natural environment will be minimized.

CRITERION 5: EFFECTS ON WILDLIFE AND WILDLIFE HABITAT

Findings of Fact:

1. The property is not located within the FWP-identified big game winter range and no species of special concern have been identified in the vicinity of the subdivision.
2. The property is located 150 feet south of One Horse Creek; there are wetlands on Lot 77, and potentially along the natural drainage which traverses the northern portion of the property.
3. FWP submitted a letter dated ~~XXXX~~ (Exhibit A-7) recommending that living with wildlife and riparian area provisions be included in the covenants for this subdivision. To mitigate impacts on wildlife, the applicant shall include these provisions in the covenants. (Condition 2)

Conclusion of Law:

With the condition of approval, impacts of the proposed subdivision on wildlife will be mitigated.

CRITERION 6: EFFECTS ON PUBLIC HEALTH AND SAFETY

Findings of Fact:

1. The conditions that address the Fire District's recommendations will mitigate impacts on local services and public health and safety. (Conditions 2, 9, 26, 35, 47, and 52)
2. The subdivision currently has a right-of-way agreement with the Montana Department of Transportation (MDT) allowing three accesses onto U.S. Highway 93 (Application). In a letter dated October 20, 2006 (Exhibit A-2) MDT states that new approach permits will be issued for the proposed use of the subdivision. The subdivider shall provide approved approach permits from MDT as a requirement of final plat approval of each pertinent phase. Access to this subdivision will be adequate for public health and safety. (Conditions 4, 20, and 21)
3. To mitigate impacts on the road system and public safety, the applicant shall install stop signs at the intersections of the internal roads. (Conditions 6, 23 and 43)
4. The subdivider shall place a "no ingress/egress" restriction along the U.S. Highway 93 frontage of the subdivision, excepting the MDT – approved approaches. The "no

ingress/egress" zone shall be labeled on the final plat. A notification of limitation of access onto a State road shall be included in the Notifications Document. (Conditions 1, 15, 22, and 44)

5. There is the potential for more than one phase to be filed each year over the next ten years and turnarounds or through-roads will not necessarily be available for emergency vehicles until build-out. To mitigate impacts on public health and safety, temporary turnarounds with a turning radius of 50 feet and a compacted all weather travel surface that can accommodate emergency services vehicles shall be constructed for internal roads with each phase, when necessary, to ensure emergency vehicles can easily access the subdivision. (Conditions 18, 32, 40, 49 and 55)
6. The preliminary plat and soils map indicate that portions of this subdivision may have soils rated as severe for building and road construction. To educate property owners and to mitigate potential impacts of this subdivision on public health and safety, a notification of the potential for severe soils shall be included in the Notifications Document filed with the final plat of the first phase. (Condition 1)
7. Lots created in Phase I will be served by individual wells and wastewater treatment systems. The remaining lots will have individual wells and be connected to community wastewater treatment facilities. (Natural Environment)
8. To mitigate the general impacts of this subdivision on public health and safety, the subdivider shall apply for County-issued addresses for each lot within this subdivision. A provision shall be included in the protective covenants requiring property owners to post County-issued addresses at their driveways to enhance provision of emergency services. (Conditions 2, 10, 29, 36, 48 and 53)
9. To mitigate the impacts of light pollution stemming from new construction, the protective covenants shall include a provision requiring full cut-off lighting with the exception of flag poles. (Condition 2)
10. There is a prevalence of radon in the County and to mitigate impacts on public health and safety, the covenants for this property shall include a statement regarding radon exposure. (Condition 2)

Conclusion of Law:

The mitigating conditions and requirements of final plat approval address potential impacts of this subdivision on public health and safety.

COMPLIANCE WITH:

1) THE SURVEY REQUIREMENTS PROVIDED FOR IN PART 4 OF M.C.A. 76-3.

Finding of Fact:

The Seal of a Professional Land Surveyor or Engineer is required on all final plats, which states that the subdivision complies with part 4 of M.C.A. 76-3.

Conclusion of Law:

This proposal meets the survey requirements, or conditions have been required to bring the proposal into compliance.

2) THE LOCAL SUBDIVISION REGULATIONS PROVIDED FOR IN PART 5 OF M.C.A. 76-3.

Finding of Fact:

Subdivisions are required to comply with the local subdivision regulations provided for in part 5 of M.C.A. 76-3.

Conclusion of Law:

The developer has submitted a plan which complies with the requirements of local subdivision regulations or conditions have been required that will bring the plan into compliance.

3) THE LOCAL SUBDIVISION REVIEW PROCEDURE PROVIDED FOR IN THE RAVALLI COUNTY SUBDIVISION REGULATIONS

Findings of Fact:

1. Subdivisions are required to comply with the local subdivision review procedure provided for in the Ravalli County Subdivision Regulations.
2. A decision of the governing body rejecting or approving a proposed subdivision may be appealed to the district court within thirty (30) days of such decision. The petition shall specify the grounds upon which the appeal is made. An appeal may be made by the subdivider; a landowner with a property boundary contiguous to the proposed subdivision or a private landowner with property within the unincorporated area of the county that can show a likelihood of material injury to the landowner's property or its value; a first class municipality if the subdivision is within three miles of its limits, a second class municipality if a subdivision is within two miles of its limits, a third class municipality or town if the subdivision is within one mile of its limits. An aggrieved party means a person who can demonstrate a specific personal and legal interest, as distinguished from a general interest, who has been or is likely to be specially and injuriously affected by the decision.

Conclusion of Law:

This development plan proposal has followed the necessary application procedure and has been reviewed within the procedures provided in Chapter 3 of the Ravalli County Subdivision Regulations.

CONSISTENCY WITH EXISTING ZONING AND COVENANTS

Findings of Fact:

1. The application states the property is not located within a zoning district.
2. There are existing covenants on the property. (Application) The existing covenants are proposed to be amended, so that two lots in Phase I may be used for commercial purposes. The proposed covenants were submitted at the plat evaluation on October 18, 2006. (Exhibit A-7)

3. This subdivision was not subject to the settlement agreement filed in the *Lords et al. v. Ravalli* County lawsuit regarding the Interim Zoning Regulations enacted November 7, 2006. However, based on a timeline established by the County, the subdivision should have received a decision prior to the interim zoning regulations coming into effect. On the advice of legal counsel, the subdivision is being reviewed as if it was part of the settlement and may be affected by future actions resulting from said settlement.

Conclusions of Law:

1. Zoning does not apply at this time.
2. The proposal will be in compliance with covenants once the proposed amendments are filed.

PROVISION OF EASEMENTS FOR UTILITIES

Findings of Fact:

1. The plat indicates utility easements are located along and within the easement/right-of-way of U.S. Highway 93. Utility easements are proposed to be extended along each internal subdivision road.
2. According to the application, the proposed subdivision will be served by Northwester Energy and Qwest Telephone.
3. Utility easements are required to be shown on the final plat.

Conclusion of Law:

Utility services are available to the subdivision.

PROVISION OF LEGAL AND PHYSICAL ACCESS

Finding of Fact:

Physical and legal access for this subdivision is proposed via U.S. Highway 93. The lots will access off internal roads. (Local Services)

Conclusion of Law:

With the conditions of approval and requirements of final plat approval, the proposal meets physical and legal access requirements.

VARIANCE REPORT

VARIANCE REQUEST#1

The applicant requested a variance from Section 3-2-21 of the Ravalli County Subdivision Regulations to allow for the project to have five phases filed over a maximum period of ten years, instead of a maximum of two phases over a period of four years as allowed in the Subdivision Regulations.

Compliance with Review Criteria

A. The granting of the variance will not be substantially detrimental to the public health, safety or general welfare or injurious to other adjoining properties.

Findings of Fact:

1. If One Horse Estates was submitted as five individual subdivisions over a period of ten years, the cumulative impacts of the entire project on public health, safety and general welfare, and adjoining land owners would be difficult to assess. With the proposed phasing plan, impacts to the public from the entire project can be properly assessed and mitigated. To make it easier to envision infrastructure improvements over ten years, staff has reformatted the conditions to be for each phase.
2. Section 76-3-610 MCA allows for preliminary plat approval periods that are longer than the standard one to three years, if they are subject to a written agreement between the governing body and the subdivider. Subsection 2 also notes the governing body may not impose additional conditions after preliminary plat approval if final plat approval is obtained within the original or extended approval period. The applicant has submitted a phasing plan and to mitigate impacts on public health and safety, any changes to the phasing plan shall be approved by the Board of County Commissioners prior to final plat approval of each phase. (Condition 17)
3. Regardless of whether the proposal comes through with an extended phasing plan or if the subdivision was split into multiple subdivisions that are reviewed and approved over the same period of time, DEQ and the County Environmental Health Department will review final plans prior to issuing a Certificate of Approval for each phase and will ensure the most current standards are applied.
4. All internal subdivision roads will be constructed to meet both AASHTO and Ravalli County standards for new road construction.
5. To ensure adequate infrastructure is in place and to protect public health and safety, the following conditions shall be imposed: phases shall be filed such that there are easements for necessary infrastructure in place, all necessary infrastructure for a phase shall be completed prior to filing the phase even if it is not scheduled to be finished until a future phase, and temporary road turnarounds shall be installed as necessary for each phase. (Conditions 18, 32, 40, 49 and 55)

Conclusions of Law:

1. Impacts to public health, safety and general welfare and adjoining properties can be better assessed for a planned subdivision in phases than for multiple individual subdivisions.
2. With the mitigating conditions of approval, impacts of granting the variance on public health, safety and general welfare and on adjoining property owners have been addressed.

B. The conditions on which the request for a variance is based are unique to the property on which the variance is sought and are not applicable generally to other property.

Findings of Fact

There are other large properties in the Bitterroot Valley that could support a similar type and scale of development for which a long term phasing plan might be requested.

Conclusion of Law:

The conditions upon which the variance is proposed are not unique to the property.

C. Physical conditions, such as topography or parcel shape, prevents the applicant from meeting the strict letter of these regulations. These conditions shall not result from the past actions of the land's current or previous owner(s).

Finding of Fact:

Physical conditions of the property do not affect the phasing of the development.

Conclusion of Law:

This criterion does not apply.

D. The variance will not in any manner vary the provision of the zoning regulations or the Growth Policy.

Findings of Fact:

1. The application states the property is not zoned and an approval of the variance will not vary from the growth policy.
2. Relevant countywide provisions in the Ravalli County Growth Policy are outlined below. Provisions of the Ravalli County Growth Policy are followed by an analysis (bulleted points) of the variance request against these provisions.

Countywide Goal 4: Provide necessary infrastructure and public services to accommodate population growth and new development without undue impacts on the quality, quantity and cost of service to existing residents.

Countywide Policy 4.1: Encourage development that will minimize or avoid additional costs to existing taxpayers.

Countywide Policy 4.2: Consider cumulative impacts of development.

- The applicant has requested a variance from the phasing limitations in the Subdivision Regulations. Although it is difficult to determine whether all

impacts of the subdivision on the primary review criteria will have been mitigated ten years into the future, reviewing the overall development plan for a long term phased subdivision allows the County to consider the cumulative impacts of development as compared to limiting review to a series of smaller subdivisions that would have to be reviewed individually. Mitigating conditions will protect the public and future land owners from taking on the costs of this development.

Conclusions of Law:

1. Provisions in the zoning district standards do not apply.
2. With the mitigating conditions, provisions in the Growth Policy appear to support granting the variance request.

E. The variance will not cause a substantial increase in public costs.

Findings of Fact:

1. Mitigating conditions will prevent impacts of granting the variance on public costs. (Conditions 18, 32, 40, 49 and 55)
2. By reviewing the entire project in phases instead of five individual subdivisions, potential costs to the public are easier to evaluate.

Conclusion of Law:

With the recommended conditions, impacts of granting the variance on public costs have been addressed.

Commissioner Rokosch opened public comment.

Dick Martin stated they have been working on this project since 2003 with the Highway Department for the access points. He has taken in consideration the comments made at the previous meeting by the Commissioners. He explained they have connected the cul-de-sacs of Lariat Loop and Horseshoe Road to form an internal loop road. He stated he has had to liquidate capital due to the agricultural situation with the soil being rocky and being unable to plow 80% of the property. He stated he wrote a letter to George Corn regarding the density concerns. Dick stated with Phase One transportation, the bus route would pull in by the barn and come back around onto the highway. Since there was a concern of children near the highway, they have changed that to have the bus route pull onto Buckaroo Lane. Dick discussed the water supply with individual wells.

Terry Nelson stated this has been a long process. This was one of the subdivisions affected by 1 per 2 that did not go forward in the lawsuit. They decided to rework the lot plats. Terry stated Dick has tried to protect his neighbors with this subdivision. He stated there are no effects on agriculture. They are keeping this close to main areas. It is enhancing an area that is not an agricultural area. The effects on agricultural water are addressed with the irrigation ditch. It is only used by Dick and cattle. The Planning Board showed concern about the ditch leaking. Dick will be providing maintenance on the ditch to ensure it will not leak or overflow. MDOT has approved the safe intersections. Utilities will be installed within the subdivision. Terry stated the effects on natural environment are minimal. There is a vegetation area that will have a no build alteration zone on the

north lot. This is not in a big game winter range. There was concern regarding emergency vehicles and turnarounds. They are willing to get rid of a cul-de-sac to provide a turnaround for the emergency vehicles. They are providing a bike path and walk path for the subdivision. Terry pointed to the location on the plat map. He stated they are expanding the bike/walk path by four feet and having it marked off with a yellow stripe. It will lead up to the existing bike/walk path along the highway in Florence. Schools were another question. For Phase One, the bus company preferred an area off the highway. Dick agreed to modify an area that will provide a loop to pick the children up and provide a shelter. Centralized water system; all the lots are proposed to have individual water systems and wells. Terry stated in the last meeting, he provided two hydraulic studies indicating there is plenty of water in this area for individual wells. It complies with State law. DNRC suggested a centralized water system for the process it goes through. The main concern was the amount of holes in the ground and the water level. They are willing to provide extra grout and to drill deeper wells. There is a cost basis of putting in a water system. The process is difficult. With the data that the Board has from the hydraulic studies and approval with the State, it should be acceptable. The contributions offered are \$500 per lot to the Fire Department, \$500 per lot to the School Districts at the beginning of the phase and \$500 upon the sale of each lot for a total of \$1,000 per lot and \$500 per lot to the Sheriff's Office.

Commissioner Rokosch requested any further comment, hearing none. He then closed public comment.

Commissioner Rokosch stated there is a request for variance and suggested they move forward with that request.

Commissioner Rokosch stated there are five criteria in reviewing the request under the old regulations. The Planning Board voted to approve the request on a 6 to 0 vote. Commissioner Rokosch stated he has a concern with the phases for a community water supply system. He questioned the phase two timing. Terry replied the question is time and money and the 'unknown' issues that might come up. Individual wells provide less risk for contamination. From a financial standpoint, he can't agree to it without considering the costs.

Commissioner Driscoll stated this is an area of interest. She always thought of Dick's property which could actually be structured as a small town. She can see the potential of having a system put in place. Terry replied a centralized water system could be looked at. Commissioner Driscoll asked what is the stand in the Florence area for a water system. Dick replied they requested a centralized sewer system but they were turned down. Dick stated Terry told him that with a centralized system, one person could object to it and it would fail. Some people waste water and others are economical with their water. If there is a problem with individual wells, one person may be out of water but most will have it. With a centralized system, if there is a problem, everyone will be out of water. He hopes they can keep it the way it is.

Commissioner Rokosch stated with a centralized, pressurized system, fire protection is provided in a different manner. They would be willing to accept a decreased contribution if a centralized system is installed.

Commissioner Chilcott asked how the closed basin status affects public water supply systems. Terry replied you have to procure water rights and then give them up here. Commissioner Rokosch stated with the Bitterroot being a closed basin, you convert the water rights to this commercial well. He stated this is an opportunity to have a commercial well or a public supply system that ensures the water supply. Commissioner Rokosch asked if they would consider a centralized system with the subsequent Phases requested.

Commissioner Chilcott stated Commissioner Driscoll's earlier comments considered this to be a good location for higher density development. Commissioner Driscoll replied this area in Florence gets hit a lot; you are talking about water systems within a subdivision. Commissioner Chilcott stated Dick's preference is what he wants his development to look like. He is talking about the cost benefit ratio of public water and sewer and if there is going to be a return in putting in these systems. Commissioner Chilcott asked if the Board is considering a higher density development with a centralized water system. Commissioner Rokosch replied yes, the Board has the ability to give a conditional approval of variances.

Commissioner Thompson stated he is impressed with what has come forward. In one of the past hearings, he has heard the comment that this area is too high of a water table and in the next sentence, the comment was that by drilling wells, it will deplete the water supply. He stated this proposal is one half acre lots with a 1,000 square foot homes. This is perfect for young first home buyers. This is close to the schools, town, and the developer is offering acceptable contributions. He believes there is plenty of water. Commissioner Rokosch concurred with Commissioner Thompson. This is a good project for the community and the valley.

Dick agreed with Commissioner Rokosch's ideas but they have to sell three lots per year to survive. He has a lot of friends and neighbors and would agree to a statement that if he affects the water table in their wells, they will mitigate it.

Commissioner Driscoll stated it was important to do this subdivision correctly. Terry replied they have been working on changing the regulations for years and they need to look at higher density and zoning. Terry stated back in 1997, it was approved with 20 lots that could be done in two phases. This is a 77 lot proposal and the Developer is requesting it be done in five phases. With future zoning, they can't speculate at this time. He stated they are trying to keep it as simple as possible.

Commissioner Driscoll asked when something is designed so close to town, how does future zoning effect the phases. Planning Director Karen Hughes replied they are reviewing a subdivision as proposed and considering another 50 units based on zoning in the future. What the Commissioners have right now is this proposal.

Commissioner Rokosch stated they are looking at a variance to allow it to be done in phases. They are also talking about conditioning the variance to be more contingent upon a community water supply system. Karen replied the Commissioners would be entering into a condition with significant changes in the plat maps and they would need to make those finding now. The Developer always has the ability to come back with amended plats for future phases. Commissioner Rokosch stated what they are considering is approving the variance with the condition of additional phases by which they could consider a community water system.

Dick stated this is getting way out of his means. Florence wants the feel of a bedroom community and not a jammed packed area. He thinks a high-rise is not what Florence wants. He believes in clean, fresh water. Doesn't a community water system need to be chlorinated? Commissioner Rokosch replied he does not think so. Dick stated Florence does not want a concentrated high-rise community. Commissioner Rokosch stated there is a variance request of the regulations and when the Developer asks to have the variance approved, he will have to disclose specifics of the five phases and the community water system.

Karen stated the Commissioners must go through criteria. Tristan stated under the current regulations they would not be requesting a variance.

Commissioner Rokosch requested they proceed to review the five criteria in order to approve or not approve of the variance.

1. The granting of the variance will not be substantially detrimental to the public health, safety or general welfare or injurious to other adjoining properties.

Commissioner Rokosch would like to make an addition to the Staff report that would address the closed basin and how a community water system would protect private property water rights. Board discussion followed. Commissioner Thompson stated each phase needs to be approved by DEQ and DNRC. If they can't get DEQ approval, they will need to look at a community water system. Renee stated this would be a positive with the phasing.

Dick asked what would happen if he withdrew his variance request for phasing. Commissioner Chilcott stated it would mean he would have to develop all the lots within two years. Board discussion followed. Renee replied she has added the language of phasing which will allow time for the applicant to pursue a community water system.

Commissioner Rokosch requested a vote on the findings based on the substantial credible evidence. All Commissioners agreed.

2. Basins are unique to the property on which the variance is sought and are not applicable generally to other property.

Commissioner Thompson stated being close to the town, phasing does help a general overall development plan. Phasing would be a benefit.

Commissioner Rokosch requested a vote on the findings based on the substantial credible evidence. All Commissioners agreed.

3. Physical conditions, such as topography or parcel shape, prevent the applicant from meeting the strict letter of these regulations. These conditions shall not result from the past actions of the land's current or previous owner(s).

Commissioner Rokosch requested it be put into record this subdivision is under old regulations. There is a one per two interim zoning and pending litigation.

Commissioner Rokosch requested a vote on the findings based on the substantial credible evidence. All Commissioners agreed.

4. The variance will not in any manner vary the provision of the zoning regulations or the Growth Policy.

Commissioner Rokosch stated this subdivision is not in a voluntary zoning district and that should be reflected in the report. Renee read the suggested language regarding any pending litigation decisions or actions that may nullify any actions taken here today.

Commissioner Rokosch requested a vote on the findings based on the substantial credible evidence. All Commissioners agreed.

5. The variance will not cause a substantial increase in public costs.

Commissioner Rokosch requested a vote on the findings based on the substantial credible evidence. Commissioners Grandstaff, Thompson, Chilcott and Driscoll agreed. Commissioner Rokosch disagreed.

Overall findings are based on substantial competent evidence.

Commissioner Chilcott made a motion to approve the variance request from Section 3-2-21 of the Ravalli County Subdivision Regulations to allow the developer to complete the project in 5 phases over 10 years with a phasing plan instead of two phases to be completed within four years, based on the amended findings of fact and conclusions of law in the staff report and subject to the conditions in the staff report. Commissioner Thompson seconded the motion.

Commissioner Chilcott stated phasing is a benefit to the community. Commissioner Rokosch stated he feels they have private property owners' water rights that have not been properly considered here. Renee stated this is a decision for the subdivision review. Commissioner Rokosch requested any other discussion. Commissioner Driscoll stated

she will be looking at subdivisions in a whole new way. Dick stated putting himself in the homeowner's shoes; he does not like chlorinated water systems.

Commissioners Rokosch, Grandstaff, Thompson, Chilcott and Driscoll voted 'aye'. Variance approved.

Commissioner Rokosch requested a five minute recess.

Commissioner Rokosch reconvened the hearing.

Commissioner Rokosch requested the Board review the subdivision within the six criteria, noting they have looked at the notification requirements and compliance requirements. Commissioner Rokosch requested any additions or conditions.

Commissioner Chilcott made a motion to amend the language used in the variance request to reflect the language used in the subdivision report regarding the subdivisions status in the Lords et al. litigation. The language should be amended to state "This subdivision was not subject to the settlement agreement filed in the Lords et al. v. Ravalli County lawsuit regarding the Interim Zoning Regulations enacted November 7, 2006. However, based on a timeline established by the County, the subdivision should have received a decision prior to the interim zoning regulations coming into effect. On the advice of legal counsel, the subdivision is being reviewed as if it was part of the settlement and may be affected by final adjudication from said settlement." Commissioner Thompson seconded the motion, all voted 'aye'.

CRITERION 1: EFFECTS ON AGRICULTURE

Commissioner Chilcott concurred with the Planning Staff's findings. **All Commissioners voted sufficiently mitigated.**

CRITERION 2: EFFECTS ON AGRICULTURAL WATER USER FACILITIES

Terry stated Dick will maintain the ditch to the west of the property in the form of a separate agreement with the homeowners' association. It was recommended in the Planning Board meeting to have such a document enabling the homeowners to enforce Dick to maintain and clean the ditch. Commissioner Thompson stated the only user of the ditch is the applicant. He agreed with the Planning Staff's conclusion. Tristan stated that findings of fact for the condition regarding the irrigation maintenance agreement need to be made. The commissioners agreed on language proposed by Planning Staff in the Staff Report and developed here today. **Commissioners Rokosch, Chilcott, Thompson, Grandstaff voted sufficiently mitigated. Commissioner Driscoll voted non-sufficiently mitigated.**

CRITERION 3: EFFECTS ON LOCAL SERVICES

Commissioner Chilcott noted the offered contributions. The contributions stand as \$500 per lot to the Fire Department, \$500 per lot to the School District upon final plat approval

and an additional \$500 per lot to include a cumulative increase based on the Consumer Price Index upon sale of each lot and \$500 per lot to the Sheriff's Office. Board discussion followed regarding the School District impacts. Commissioner Rokosch stated he has concerns with the mitigation. One being the tax levy amount. The amount offered is close but has not taken into consideration the impact on the town services. Commissioner Chilcott pointed out Florence enrollment has decreased 4.5% from last year. Further Board discussion followed regarding the ANB monies. Commissioner Rokosch stated they have discussed including a consumer price index factor based on the time of their decision. He stated inflation could very well eat up the contribution throughout the phasing. He asked Dick if he would be willing to increase the last half of the school district contribution based on inflation. Dick replied it seems reasonable. Terry requested the contribution be based on the inflation index be payable at the sale of the lots. Commissioner Rokosch stated they are requesting it to be paid up front rather than the sale. The school district needs to plan for the impact of additional students. Commissioner Thompson stated the phase development has a different effect on the school system because as the lots from the first phase are beginning to pay taxes, the lots within the following phases will come on the market. This lag time between phases should allow for the combination of up front money and money at first conveyance to mitigate any impacts to the school district. In phase one; they are willing to pay \$500 per lot up front. It is hard to talk about ANB numbers when they are down "x" amount. They have to consider in phase development they have to start paying taxes. Commissioner Thompson stated this is a guessing game. You could have someone move in that is retired with no children. You could have someone move in with 18 children. Commissioner Rokosch asked Dick if he is willing to pay the second \$500 school district contribution with CPI. Dick replied yes.

Commissioner Driscoll stated she is concerned with the public road system. She knows that MDOT is looking at it but the Commissioners need to look at it as well. She discussed the traffic congestion and cost of it on the highway. Commissioner Chilcott stated he does not know how the county could incur any liability from it. MDOT is giving their approval for the access points. Commissioner Driscoll stated this is a four lane highway that is a conflict with adjoining traffic. Commissioner Chilcott stated excluding MDOT, he does not have the background or expertise to decide what is and is not an approvable amount of increased traffic. Commissioner Grandstaff stated Commissioner Driscoll has a valid concern but how can they mitigate it? Board discussion followed regarding options. Commissioner Rokosch stated Terry indicated there were some items modified over the original plan such as the connection of the cul-de-sacs. Renee stated they do not have road plans for the sections. She requested Terry point them out. Terry stated they are connecting the cul-de-sacs on Lots 49 & 50 and Lots 60 & 66. Also on Lots 1 & 2 and Lots 47 & 48 for the bike/walk path. The road standard will not change.

Commissioner Rokosch recessed for lunch until 1:15 p.m.

Commissioner Rokosch reconvened the public hearing.

Commissioner Rokosch stated prior to recess, there were some design standards presented to the Board for walk paths. Renee stated if the developer decides to create a trail, then the standards should be met. Commissioner Thompson stated their proposal of putting in a four foot walk way should be in the standards. Commissioner Rokosch stated the proposed walk way is four feet wide with striping. Terry replied they are putting it along the edge of the road with raised material to meet the standards of Ravalli County not Missoula County. It goes above and beyond the regulations. Commissioner Thompson stated he is glad to see sidewalks proposed within a subdivision and a large park area. He stated there is access to the park on phase two but not on phase three. Board discussion followed regarding walk/bike paths.

Commissioner Rokosch asked if there are any other questions. Commissioner Chilcott asked if there is on-street parking. Terry replied there isn't anything to indicate otherwise. Commissioner Chilcott requested the covenants include a provision for no permanent on street parking. Terry agreed.

Commissioner Rokosch questioned the storage facility for sewage. Terry pointed out on the map where the storage will be with level two treatment system. Commissioner Driscoll asked if the septic system is the same as in Falcon Estates. Terry replied DEQ has to approve the level two treatments before they can propose them. Commissioner Rokosch asked if these are underground tanks. Terry replied yes. Commissioner Rokosch asked how much of the lot will be restricted to the storage versus the park land. Terry replied it is small. The area of the drain field is a couple of hundred feet long. It will be in the west corner of the park. Discussion followed regarding the planting of trees within the park and over the septic system.

Commissioner Rokosch stated the additional impacts of the households need to be addressed. He discussed the impacts of the new household upon county services. He stated he is throwing this subject out there because there is a study going on for these impacts. Renee stated she is nervous about asking for voluntary contributions on impacts without a based study and legal advice. Commissioner Chilcott stated with any fiscal analysis there is a need for the basis of developing an impact fee. Commissioner Rokosch stated he is addressing the impacts on local services which include county services. He, as a part of the Board needs to mitigate the impacts sufficiently. Commissioner Grandstaff stated it is a voluntary contribution, but they do have an initial basis to request. She stated there are impacts to the Sheriff's Office and to 911 Dispatch.

Dick replied on the closing of a lot, there is room to negotiate. He realizes there are other impacts. He is willing to offer a \$200 per lot contribution to mitigate the proposed impacts on local services payable upon conveyance. Karen asked where the contribution would go. Commissioner Rokosch replied it will be distributed equally among those areas affected. Commissioner Chilcott asked if it should go in the general fund. Board discussion followed regarding the allocation of the funds. Karen stated they want to be sure what is going on. She understands this is just a starting point. She believes the Board is trying to mitigate the impacts of this subdivision on county services through the general fund. Commissioner Rokosch replied yes that is correct.

Commissioner Rokosch requested any further comments, hearing none. He asked if there is any other mitigation to be presented for this criterion.

Commissioners Rokosch, Chilcott, Thompson, Grandstaff voted sufficiently mitigated. Commissioner Driscoll voted non- sufficiently mitigated based on the impacts to the traffic system.

Tristan asked what language the developer would like to be included to cover the no permanent on-street parking. Terry replied that a covenant simply stating “on-street parking shall be prohibited within the subdivision” would suffice.

CRITERION 4: EFFECTS ON THE NATURAL ENVIRONMENT

Commissioner Grandstaff requested they add the language that woodstoves shall not be used as a primary heat source. Terry agreed. Tristan stated it will be included in the covenants.

All Commissioners voted sufficiently mitigated.

CRITERION 5: EFFECTS ON WILDLIFE AND WILDLIFE HABITAT

Commissioner Rokosch stated they have incorporated the “Living with Wildlife” covenants. **All Commissioners voted sufficiently mitigated.**

CRITERION 6: EFFECTS ON PUBLIC HEALTH AND SAFETY

Commissioner Chilcott stated with the turnaround requirements at each phase; he believes this has been mitigated to not only meet the standard but that it goes above and beyond the standard. Commissioner Driscoll stated if you take a look at the area in Florence and consider there are only three patrolling officers with the Sheriff’s Office, there are issues regarding public health and safety. Commissioner Chilcott replied there is an officer stationed on patrol. Board discussion followed regarding patrolling officers and response times.

Commissioner Rokosch stated he would like to discuss the ground water quality and supply. He discussed the added condition for phase two through five and if they would consider a community system for the later phases. He would like to note the developer did agree to have additional grout on the individual wells. He would like this added in a condition that they seek DNRC approval on a community water system for phase two through five. Terry replied his understanding is he is being asked to submit the request of a community water system to DNRC. He stated the economic feasibilities are the largest hurdle, considering the time spent thus far on the project and the non-guarantee that the community water right will be granted. Commissioner Rokosch stated it would be looked at as a deviation. Renee stated they would have to go back through the subdivision process for a major deviation. Tristan stated it would be a minor deviation for the community water system, but it would be seen as a major deviation to allow an increase in the number of lots. Terry stated if zoning is passed in this area allowing more density,

in essence it would also allow for an expedited process. It comes down to if there is adequate water for a centralized water system and the cost basis. All these have to be looked at before you can go to DNRC. With zoning, it would be something that can be looked at. He does not want to commit to DNRC without all the information. Commissioner Rokosch stated by going to that system and providing a fire system it could reduce the contribution to the Fire Department. Terry stated we do have a waiver of RSID which means if the community wants to put in a centralized water system, the lot owners can't object. Terry stated Moiese Meadows had a similar proposal for the grouting which they are proposing. Commissioner Rokosch stated Renee will capture the language regarding the matter. Commissioner Rokosch requested any Board comments regarding public health and safety. He then stated with the additional language, it has been mitigated, in his opinion.

Commissioners Rokosch, Chilcott, Thompson, Grandstaff voted sufficiently mitigated. Commissioner Driscoll voted non- sufficiently mitigated based on traffic and Sheriff's Office response time issues.

Commissioner Chilcott requested a review of the conditions. Renee requested the Board define the conditions recommended by the Planning Board and the Planning Staff and also to include the recommendation on park land dedication in the motion. Commissioner Grandstaff requested \$500 per lot go to the 911 dispatch instead of the Sheriff's Office. Board discussion followed regarding changing future voluntary contributions to include public health and safety. After Board discussion, it was determined to change the line item from Sheriff's Office to general public health and safety. Commissioner Chilcott stated the Board should define public health and safety to include 9-1-1, Sheriff's Office and the Department of Emergency Services. Terry stated they agree to the conditions.

Commissioner Chilcott made a motion the One Horse Estates Major Subdivision be **approved**, based on the findings of fact and conclusions of law in the staff report, and subject to the conditions in the staff report, amending Condition 2 to include the following provisions:

- **Amend the Primary Heat Source covenant with the following: Wood Burning Stoves.** The County recommends that home owners install EPA-certified wood stoves to reduce air pollution. Wood burning stoves shall not be used as the primary heat source. More information is available at: <http://www.epa.gov/woodstoves/index.html>. The State of Montana offers an Alternative Energy Systems Credit for the cost of purchasing and installing a low emission wood or biomass combustion device such as a pellet or wood stove.
- **No On-street Parking.** Parking along internal subdivision roads shall be prohibited.
- **Required Well Construction Specifications.** All lots within this subdivision shall obtain a well permit from the Ravalli County Environmental Health Department prior to drilling a well on a lot. Wells shall have an annual seal casing installed to a depth of 18 feet below ground surface. Lot owners shall also submit to the DNRC a completed water right application (Form 602) upon putting the

water to beneficial use. Contact the DNRC for information regarding the water right application.

Commissioner Chilcott continued by adding that the Florence-Carlton School District shall receive a \$500 per-lot contribution prior to final plat of each phase and receive an additional \$500 per-lot contribution upon first conveyance of each lot with the amount to be increased based on a cumulative increase of the Consumer Price Index, that a \$500 per-lot contribution be made prior to final plat of each phase to an account for Public Safety (Sheriff, E-911, DES) to mitigate impacts on local services and public, health and safety, that a \$200 per-lot contribution be submitted to an account for the County's General Fund upon first conveyance of each lot to mitigate impacts on County services, that Lariat Loop and Horseshoe Road be connected to form a loop road in accordance with AASHTO standards, and that the internal road system be widened to a 26-foot wide travel surface to include a 4-foot wide striped pedestrian path as part of the travel surface, and to accept the proposed parkland dedication.

Commissioner Grandstaff seconded the motion. Commissioner Rokosch, Commissioner Grandstaff, Commissioner Thompson and Commissioner Chilcott voted "aye". Commissioner Driscoll voted "nay". Motion carried.